

REMARKS

Claims 1-29, 32, 33, 69 and 71-99 are currently pending. In the Office Action of July 14, 2006, the Examiner issued a restriction requirement requiring the election of one of the following species:

- 1) cartridge with cover that is sealingly adhered with a mating surface of a body on all but one edge of a mating surface of the body, the all but one edge being unsealed to the cover (see claim 1); and
- 2) cartridge with cover that is sealingly adhered with a mating surface of a body wherein a cavity of the body is completely sealed (see claim 71).

Species 1) is presumed to include claims 1-29, 32-33 and 69; and species 2) is presumed to include claim 71-99. The Examiner contends that the inventions are independent or distinct.

The Applicant hereby provisionally elects with traverse species 1). Claims 1-29, 32-33 and 69 are readable upon the elected species.

The Applicant respectfully points out that the claims of species 1) and 2) were not assigned by the Examiner to a class and subclass and are presumably in the same class; thus, the searching required for both groups of claims would not pose a serious burden on the Examiner. Thus, all pending claims should be examined together in this application

With respect to the Examiner's statement in the Office Action that "[t]he species have a materially different design, mode of operation, function and effect because the species with a cover that completely seals the mating surface would be designed with a different access means to the interior of the cartridge from the species with a cover that partially seals the mating surface, and thus the two species would operate and function differently regarding access to the interior of the cartridge," this characterization is not accurate, since both species could easily, and within the scope of the claims, have the same type of access to the interior of the cartridge, such as, for example, the holes 52 and 54 shown in Fig. 1.

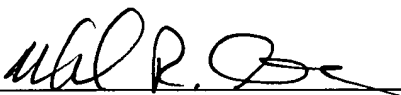
The Applicant fully reserves the right to prosecute the subject matter of the non-elected species in one or more related applications. Additionally, the Applicant reserves the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

CONCLUSION

The Applicant respectfully requests that the Restriction Requirement be reconsidered and the present remarks be made of record in the instant application. If any issues remain in connection herewith, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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